

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
CHATTANOOGA DIVISION**

LEWIS STEIN, Individually and on Behalf of  
All Others Similarly Situated,

Plaintiffs,

v.

U.S. XPRESS ENTERPRISES, INC., *et al.*,

Defendants.

Civil Action No. 1:19-cv-00098

Judge Travis R. McDonough  
Magistrate Judge Christopher H. Steger

**U.S. XPRESS ENTERPRISES, INC.'S MOTION TO QUASH PLAINTIFFS' RULE 45  
SUBPOENAS TO NON-PARTIES AND REQUEST FOR EXPEDITED HEARING**

Comes U.S. Xpress Enterprises, Inc. ("USX"), by counsel, pursuant to Rules 26 and 45, Federal Rules of Civil Procedure, and respectfully moves for an Order quashing Plaintiffs' Rule 45 subpoenas to non-parties attached hereto as part of Coll. Ex. 1. On September 22, 2020, Plaintiffs served a "Notice of Issuance of Subpoenas *Duces Tecum* to Non-Parties" attaching subpoenas for the production of documents directed to ten of USX's largest customers, each with a return date of October 13, 2020. See Plaintiffs' Notice, part of Coll. Ex. 1 hereto.

As demonstrated in USX's Memorandum of Law in support of this Motion, USX is entitled to an order quashing each of the subpoenas. Counsel for USX conferred in good faith with Plaintiffs' counsel on Friday, September 25, 2020 in an effort to resolve the dispute created by service of Plaintiffs' Notice and the attached subpoenas, but no agreement for the withdrawal of the subpoenas could be reached. Thus, Court action is necessary, and in view of the unreasonably short time within which USX's customers have been given to respond to the subpoenas, an expedited hearing is necessary. Pursuant to Local Rule 7.1 (a), Plaintiffs' answering brief

responding to this Motion will be due on October 14, 2020, one day after the document productions are due on October 13, 2020.

USX's Memorandum of Law in support of this Motion is filed simultaneously herewith.

Respectfully submitted this 30<sup>th</sup> day of September, 2020.

/s/ K. Stephen Powers

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 30th day of September, 2020, I caused a true and correct copy of the foregoing to be filed with the Clerk of the Court using the CM/ECF system, which will automatically send notification of such filing and make available the same to all attorneys of record.

/s/ K. Stephen Powers  
K. Stephen Powers (BPR # 007088)